

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID SIDOO, *et al.*,
Defendants.

No. 19-cr-10080-NMG

**GOVERNMENT’S ASSENTED-TO MOTION TO SEAL
PORTIONS OF THE GOVERNMENT’S OPPOSITION TO MOTIONS OF
DEFENDANTS JANAVS AND HODGE TO MODIFY THEIR SENTENCES**

Pursuant to Local Rule 7.2 of the U.S. District Court for the District of Massachusetts, the United States respectfully requests permission to file under seal and impound a portion of its Opposition to the Motions of Defendants Michelle Janavs and Douglas Hodge to Modify Their Sentences. Defense counsel assents to this motion. The material proposed to be filed under seal contains confidential medical information concerning Defendant Janavs. Local Rule 7.2 permits a party to request the sealing or impounding of specified materials upon a showing of good cause. *See* Local Rule 7.2(a). Upon request, the Court may seal the subject material pending further order. *Id.* In analyzing whether to permit sealing, the Court must weigh the public’s presumptive right to access judicial records with “[i]mportant countervailing interests,” which can “overwhelm the usual presumption and defeat access.” *See United States v. Kravetz*, 706 F.3d 47, 59 (1st Cir. 2013) (quoting *Siedle v. Putnam Invs., Inc.*, 147 F.3d 7, 10 (1st Cir. 1998)). The privacy rights of a party are important countervailing interests that may overcome the presumption of access. *Kravetz*, 706 F.3d at 62 (citing *FTC v. Standard Fin. Mgmt. Corp.*, 830 F.2d 404, 411 (1st Cir. 1987)); *In re Boston Herald, Inc.*, 321 F.3d 174, 190 (1st Cir. 2003). The Court may “consider the degree to which the subject matter is traditionally considered private rather than public.” *Id.*

Medical information is “universally assumed to be private, not public.” *Kravetz*, 706 F.3d at 63 (quoting *In re Boston Herald*, 321 F.3d at 190).

WHEREFORE, the government respectfully requests that the Court grant this motion to file under seal portions of its Opposition.

Respectfully submitted,

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By: /s/ Kristen A. Kearney
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JUSTIN D. O’CONNELL
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: April 28, 2020

/s/ Kristen A. Kearney
Kristen A. Kearney